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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,331	08/26/2003	Michel Chevanne	Q76957	2115
23373 7590 11/27/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,331

Applicant(s)

CHEVANNE ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination. Claims 16, 18, and 20 have been canceled.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Independent claim 1 and their dependent claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result. The system (system is characterized in that it includes at least one automatic descriptor, page 3 in specification) for managing management data of plant receiving data and delivers the third data is a software construct (program per se) performing various functionalities. These functionalities do not manipulate

any hardware or tangible entity. Therefore, the software construct is a non statutory entity as detailed in MPEP 2106. The descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-8 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mokuya et al. (US 2003/0046381) (hereinafter Mokuya).

6. As per claims 1 and 12, Mokuya discloses a system (1) and a method for managing management data of plant (5) of a communications network (fig 1), each unit of the plant (10a, fig 1) including a management information base (6) containing values of fields and associated with a management information base (MIB, page 3, paragraph #0037) definition (7) including fields and accessible in a network management system (NMS) (page 3, paragraph #0037), which system is characterized in that it includes at least one automatic descriptor (8) (data structure describing MIB in ASN1 format, page 4, paragraphs #0041-\$0042) that: i) includes first data designating at least one type of network plant (5) (page 4, paragraphs #0049-#0052, please see Summary of Invention Discussion) and second data designating management information base definitions (7) associated with said type of plant (5) (page 4, paragraphs #0049-#0052), and ii) is adapted, in the event of receiving data designating said type of plant (5), to access the fields of said management information base definitions (7) associated with the designated type and then to deliver third data (MIB tree, fig 7) representative of the fields of the plant (5) of the designated type (S1-S3 , fig 2, and fig 7, page 4, paragraphs #0049-#0052, please see Summary of Invention Discussion).

7. As per claim 2, Mokuya discloses a system and method includes a set of non-automatic descriptors in addition to said automatic descriptor (8) (page 4, paragraphs #0041-#0042, structure supplied by device manufacturer).

8. As per claims 3 and 13, Mokuya discloses a system and method in that said automatic descriptor (8) is adapted, in the event of receiving data designating an address of a plant unit of said designated type, to access the fields of the management information definition (7) associated with said designated unit of the plant (5), then to command extraction from the management information base (7) of the designated plant (5) of the values of at least some of said fields contained in said definition (7), and then to deliver third data representative of said extracted values (control-table list composed of an item name description, page 4, paragraphs #0049-#0055).

9. As per claims 4 and 14, Mokuya discloses a system and method in that if said management information bases (6) of said plant (5) take the form of a tree associated with at least one table, said automatic descriptor (8) is adapted to deliver third data in the form of a tree (fig 7) and at least one table including said extracted field values (control-table list composed of an

item name description, fig 7, page 4, paragraphs #0049-#0055).

10. As per claim 5, Mokuya discloses automatic descriptor (8) is adapted to extract said field values from said management information bases (6) of the plant (5) of the network (S1-S3, fig 2, page 4, paragraphs #0049-#0055).

11. As per claim 6, Mokuya discloses automatic descriptor (8) includes fourth data designating a graphical representation such that said third data can be displayed in a chosen format (fig 7, page 6, paragraph #0079).

12. As per claim 7, Mokuya discloses automatic descriptor (8) consists of at least one set of program code files and at least one set of configuration files (Abstract Syntax Notation one (ASN1) is a standard and flexible notation that describes data structures for representing, encoding, transmitting, and decoding data. It provides a set of formal rules for describing the structure of objects that are independent of machine-specific encoding techniques and is a precise, formal notation that removes ambiguities, page 4, paragraphs #0041-#0047; please see Summary of Invention Discussion).

13. As per claim 8, Mokuya discloses a system in that one of said program code files includes said first data designating said type of plant (5) and another of said program code files includes said second data designating said management information base definitions (7) associated with the plant (5) of said type (ASN1, page 4, paragraphs #0049-#0055; please see Summary of Invention Discussion).

14. As per claim 11, Mokuya discloses a management server (2) (20, fig 1) of a communications network including plant wherein each unit of the plant includes a management information base (MIB) that contains values of fields and is associated with a management information base definition (21, fig 1) including fields, which server is characterized in that it includes a management system (20, fig 1, page 4, paragraph #0041).

15. As per claim 15, Mokuya discloses automatic descriptor (8) includes fourth data designating a graphical representation (fig 7), said third data is displayed in a chosen format corresponding to said graphical representation (fig 7, page 6, paragraphs #0070-#0076).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 9, 10, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mokuya et al. (US 2003/0046381) (hereinafter Mokuya) in view of Froyd et. al. (6,725,233).

18. As per claim 9, Mokuya discloses a system using ASN1 (ASN1, page 4, paragraph #0042, tools for ASN.1 are available on almost all operating systems. They generate code for popular programming languages such as Java). Mokuya did not expressly teach program codes are in Java. However, Froyd discloses program codes are in Java (col 1, lines 34-43, col 7, lines 30-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Froyd to developing the system of Mokuya using JMX, java based model for implementing network management services independent of a management protocol.

19. As per claim 10, Mokuya did not expressly teach field values are extracted in accordance with a protocol chosen from the group comprising the SNMP, CORBA, CMISE/CMIP, and TL1 protocols. However, Froyd discloses field values are extracted in accordance with a protocol chosen from the group comprising the SNMP, CORBA, CMISE/CMIP, and TL1 protocols (col 1, lines 17-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Froyd to developing the system of Mokuya using JMX, java based model for implementing network management services independent of a management protocol.

20. As per claims 17, 18, and 21, Mokuya did not expressly teach communication network at least one of, a WDM network, SONET network, an SDH networks, an Internet Protocol (IP) network, an ATM networks, a conventional voice network, mobile voice network, and an NGN networks. However, Froyd discloses communication network at least one of, a WDM network, SONET network, an SDH networks, an Internet Protocol (IP) network, an ATM networks, a conventional voice network, mobile voice network, and an NGN networks (col 1, lines 10-33, SNMP is the Internet's standard for remote monitoring and management of hosts, routers, and other nodes and devices on a network). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to use the teaching of Froyd to developing the system of Mokuya using JMX, java based model for implementing network management services independent of a management protocol.

Response to Arguments

21. Applicant's arguments filed 09/27/2007 have been fully considered but they are not persuasive, therefore rejections to claims 1-15, 19, and 21 is maintained. An objection and rejection under 35 U.S.C 112 second paragraph has been dropped. Rejection under 35 U.S.C. 101 has been maintained.

22. In the remarks applicants argued that:

Argument: Mokuya does not disclose at least one automatic descriptor and its functions.

Response: Mokuya which system (note: intended use) is characterized in that it includes at least one automatic descriptor (8) (data structure describing MIB in ASN1 format, page 4, paragraphs #0041-\$0042; ASN.1 (Abstract Syntax Notation One) is a standard way to describe a message (a unit of application data) that can be sent or received in a network. ASN.1 is

divided into two parts: (1) the rules of syntax for describing the contents of a message in terms of data type and content sequence or structure and (2) how you actually encode each data item in a message. ASN.1 is defined in two ISO standards for applications intended for the Open Systems

Interconnection (OSI) framework) that: i) includes first data designating at least one type of network plant (5) (XML formatted, page 4, paragraphs #0041-#0052, please see Summary of Invention Discussion) and second data designating management information base definitions (7) associated with said type of plant (5) (page 4, paragraphs #0049-#0052), and ii) is adapted (intended use), in the event of receiving data designating said type of plant (5), to access the fields of said management information base definitions (7) associated with the designated type and then to deliver third data (MIB tree, fig 7) representative of the fields of the plant (5) of the designated type (S1-S3 , fig 2, and fig 7, page 4, paragraphs #0049-#0052, please see Summary of Invention Discussion).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS